

REPORT - PLANNING COMMISSION MEETING
October 14, 2004

Project Name and Number: China Harbor (PLN2004-00171)

Applicant: Eugene Sim

Proposal: To consider a Finding for Site Plan and Architectural Approval for a new outdoor dining patio and new landscaping in conjunction with the exterior remodeling of an existing restaurant building.

Recommended Action: Approve, subject to conditions

Location: 39410 Fremont Boulevard

Assessor Parcel Number(s): 501-1110-033-00

Area: Building size—7,019SF; Lot Size—69,348SF

Owner: Chul Woo Kim

Agent of Applicant: Eugene Sim, Sim Architects, Inc.

Consultant(s): Eugene Sim, Sim Architects, Inc., Architect
Ross Wells, HWA Landscaping, Landscape Architect
Tony Perfetto, Karn and Associates, Civil Engineer

Environmental Review: This project is categorically exempt under CEQA Section 15301(a) as exterior alterations to an existing building.

Existing General Plan: Central Business District

Existing Zoning: CBD, Central Business District

Existing Land Use: Vacant Restaurant

Public Hearing Notice: A total of 228 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Walnut Avenue, Fremont Boulevard, among others. The notices to owners and occupants were mailed on October 4, 2004. A Public Hearing Notice was delivered to The Argus on September 28, 2004 to be published by October 4, 2004.

Background and Previous Actions: On December 11, 1980, the Planning Commission approved Conditional Use Permit U-80-18, which allowed the development of the existing 7,019 square foot restaurant and associated parking and landscape improvements on the site. All new buildings, structures or site development proposed in the Central Business District (CBD) was required to receive site plan and architectural approval by the Planning Commission through the Conditional Use Permit process.

In early 1981, construction began on the approved restaurant project, known then as "Emil Villa's Hick'ry Pit". The previous owner at that time envisioned the development of the site in two phases: the restaurant and a sufficiently-sized parking lot to also accommodate a future retail building which would be built in the first phase; and, a two-story retail/office building of approximately 22,896 square feet which would be completed in a second phase (on the adjoining vacant lot). The Planning Commission was presented with a plan designed with a restaurant building that anticipated a second retail/office building fronting Walnut Avenue. Based on that plan, the approved design incorporated a future building pad

fronting Walnut Avenue. The site is vacant, except for the use as a pumpkin patch and a Christmas tree lot. On the corner of the site fronting Fremont Boulevard and Walnut Avenue, the Hick'ry Pit was developed as a full-service restaurant, with 220 seats and beer and wine service. The design of the restaurant was described as a one-story building, "contemporary in design" at its time, with building materials consisting of slump stone concrete block walls and a metal-ribbed roof. The original fascias and trellises consisted of redwood with glue-laminated beams, and the building was angled as an attempt to increase the "open feeling in [at] the corner"

In March of 1989, the previous owner requested and the City's Parcel Map Administrator approved Parcel Map 5561, a subdivision which split the 86,046 square foot parcel into two parcels: a smaller vacant, building pad parcel of 16,700 square feet in size (the area once anticipated for a 22,846 square foot office/retail building), and a larger parcel containing the Hick'ry Pit (the "Hick'ry Pit parcel") with the entire improved parking lot and landscaped areas. Reciprocal "Joint Access Easements" ("JAE") and "Emergency Vehicle Access Easements" ("EVAE"), as well as a nonexclusive shared parking agreement between the smaller parcel and the Hick'ry Pit parcel, were recorded on the parcel map. In addition, previously granted JAEs for the benefit of the commercial properties adjoining to the south, a "Landscaping and Pedestrian Easement" granted to the City, and "Public Utility Easement" ("PUE") were also retained and recorded on the new parcel map.

In January of 2000, the Planning Commission approved a Finding (PLN2000-00093) for Site Plan and Architectural Review of to replace the building fascia and improve landscaping on the site. Particularly, the approval permitted the replacement of the original, but since weathered, redwood trellis-like fascia with a new painted redwood fascia. Associated landscape improvements were also approved, with the inclusion of one additional new street tree and planter on Walnut Avenue. No interior improvements were proposed.

In October of 2003, the Hick'ry Pit parcel was sold to the present owner, and the restaurant business closed approximately a month later.

On February 3, 2004, the present owner, represented by his architect, submitted a Finding application for Site Plan and Architectural Approval for a renovated building façade and associated parking and landscaping improvements, including a new outdoor dining area.

Staff has also received an application for the development of the smaller, adjoining parcel consisting of an office/retail building, which is tentatively scheduled for consideration on the following meeting of October 28, 2004 (Informational 2).

Project Description: The proposed project is a Finding for Site Plan and Architectural Approval that would allow for modifications to the existing building and site improvements, including a new outdoor dining area of approximately 1,100 square feet in size, for a new Asian-fusion buffet style restaurant.

The complete exterior of the building formerly occupied by Emil Villa's Hick'ry Pit for nearly twenty years has been painted with a new color scheme. A new building element consisting of stained beech wood boards in a louvered, horizontal pattern affixed to the existing fascia is also proposed, along with new parking lot landscaping and exterior amenities. The front entrance is proposed to be reoriented towards Walnut Avenue instead of its present orientation towards the parking lot. In addition, a new exterior dining area enclosed with a low slump stone masonry wall is proposed. New exterior lighting is also integrated into the design of the project.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because restaurant uses are considered permitted uses in the Central Business District. All proposed projects in the Central Business District must undergo a review by the Planning Commission for Site Plan and Architectural Approval (SPPA). The SPAA process, under the authority of the Planning Commission, is undertaken due to the importance of the Central Business District because it is the goal of the Fremont General Plan to create a "well-defined, visually distinctive and vibrant commercial, governmental, and cultural center" in Fremont's downtown.

Zoning Regulations: The project parcel is currently zoned CBD, Central Business District. The development regulations in the CBD are relatively flexible, allowing for zero-foot side and rear yard setbacks, with no limitation on building height. The permitted Floor Area Ratio, i.e., the ratio of gross floor area to net lot area, is 0.50. The project as proposed is consistent with these regulations.

Parking: The site plan indicates that there are a total of 101 parking spaces existing on the site. The minimum parking standard for an eating establishment is either 1 parking space per 3.5 seats plus 10 percent (for employee parking) or 1 parking space per 100 square feet of gross floor area, whichever is greater. The restaurant is approximately 7,019 square feet in size and is proposed to contain 214 seats. The 90 seats proposed in the new outdoor dining area are not counted for the purpose of calculating required parking based on the City's practice and experience that the outdoor area would not generally be used unless weather conditions are ideal. Based on the proposed restaurant use and number of seats, 70 parking spaces would be required (1 parking space per 100 square feet of floor area). The project complies with that requirement in that 101 spaces are provided.

As previously mentioned, the previous owners envisioned the future development of a second office/retail building on the smaller vacant parcel fronting Walnut Avenue which was then legally part of the larger project parcel. The second phase, however, was never developed. In 1989, at the time the parcel map was recorded, which created the smaller adjoining, vacant parcel, a "Joint Parking Agreement" ("JPA") was also recorded to create shared parking between the two parcels. The established JPA benefited the owners and occupants and successors in interest of the two parcels, Parcel 1 (the larger project parcel) and Parcel 2 (the adjoining vacant parcel fronting Walnut Avenue), of Parcel Map 5561.

While the project as proposed is not adversely impacted by a proposed new project on the adjoining parcel, the Planning Commission should review this project in light of the anticipated development on the adjoining parcel. The adjoining project, which will be presented to the Planning Commission on October 28, 2004, is a one-story office/retail building of approximately 8,345 square feet in size, requiring 28 parking spaces. The adjoining project conceptually proposes 15 additional parking spaces, which would provide a total of approximately 116 parking spaces of nonexclusive shared parking by both parcels. Staff anticipates that the project on the adjoining lot would proceed forward and, therefore, recommends that the Planning Commission defer a portion of the parking lot improvements proposed on the project site for a two-year period (with a one-year extension option). The deferral, in the form of a "Deferred Improvement Agreement" entered into by the City and the property owner(s) of the project parcel, would allow the adjoining parcel owner, who is also in the process of developing a new retail/office building, to be partially responsible for the cost and completion of the improvements because the new project on the adjoining parcel is proposed to rely on some of the parking spaces (13 spaces, estimate) on the project site (Condition 10).

Staff has determined that it is in the best interest of the City to consider and accept the recorded "Joint Parking Agreement" ("JPA") that is proposed by the adjoining parcel owner to partly meet the minimum required parking for the proposed new office/retail building. While staff encouraged that both property owners enter into a new parking agreement that requires approval by the City Attorney to guarantee that the parking is maintained, the parties were not able to reach agreement. The recorded JPA does not include provisions for maintenance, shared expenses or an equitable appropriation of the parking spaces. Staff has discussed with both of the applicants' representatives that the City would require the parking lot to be improved to current City standards, and that a portion of the completion and expense of the parking lot improvements would be the responsibility of the adjoining lot owner, unless the new project on the adjoining parcel is redesigned where no parking spaces on the project parcel are proposed to meet City required parking requirements. However, should the adjoining lot owner (or successor in interest) decide not to develop the site or revises the site plan and design of the retail/office building to not rely on the project parcel's parking to meet required parking, then the property owner (or successor in interest) of the project parcel (China Harbor) shall be responsible for the completion of the parking lot improvements deferred under the agreement. The authority to require the improvement under the Deferred Improvement Agreement and the extent to which the adjoining parcel owner would be required to improve is proposed to be under the authority of the Planning Director. The proposed landscape plan is delineated with a "limit-of-work" line to separate the deferred area from the area to be improved once a building permit is issued. This line is only intended to generally indicate the limit-of-work the applicant would be responsible at the time the building permit is issued, and is not to be construed as the City's commitment or the adjoining lot owner's commitment to complete the construction of the deferred parking lot improvements.

Open Space/Landscaping: The existing parking lot landscaping is minimal and in poor condition. However, complete site and parking lot landscaping improvements are proposed to bring the project parcel in conformance with current City standards, where feasible. Based on the conceptual landscape plans submitted, approximately 10,000 square feet of parcel is proposed to consist of greenscape, accomplished by the widening existing parking lot planters and adding a few new planters. Existing site trees, such as the Chinese Pistache, Silk, Sycamores, Celtis, African Sumac, will remain along with an existing turf and Escallonia shrubs. New trees are proposed, which include the Chinese Hackberry, Crape Myrtle, and Birch. In addition, new Columbia London Plane street trees are proposed along Fremont Boulevard and Walnut Avenue.

A new walkway is also proposed from the public sidewalk on Walnut Avenue to the new front entrance facing Walnut Avenue. A new glass canopy/screen is proposed which would also flank the right side of the new entrance. The outdoor dining area, enclosed by a low slump-stone wall lined with Crape Myrtle trees and a variety of shrubs, is proposed on the outer side of the building generally facing Fremont Boulevard. New benches are proposed outside of the building flanking the left side of the front entrance with a planting bed adjacent to the building wall. New trellises are proposed on the rear side of the building facing the parking lot. A new landscape planter is also proposed to screen the existing trash enclosure on the south side of the building. The bollard-type light fixtures complete the proposed exterior landscaping improvements.

Waste Management: The existing waste management facility on the site is adequate to serve the proposed project. However, a condition is added to require additional landscaping to screen it from Fremont Boulevard (Condition 26).

DESIGN ANALYSIS:

Site Planning: The project parcel is located on a prominent corner of Fremont Boulevard and Walnut Avenue in the Central Business District (CBD), opposite from Target and the Fremont HUB. In the City's adopted Central Business District Concept Plan (CBD Plan), the project parcel is identified as a "soft site" and is located in the "South of Walnut" sub-district. A soft site is a parcel that is highly anticipated to change within the 20-year life of the CBD Plan. Based on the CBD Plan, the South of Walnut area "would continue to be characterized by essentially the same type of development as is already occurring in the area". As the CBD Plan focuses on other areas of the Central Business District to be more intensive with pedestrian-oriented development, the "South of Walnut" area is identified as an area where there is a need to retain some of the area for auto-oriented uses.

Architecture: The modifications further enhance the building. According to the architect, the facades of the building are modified "in an effort to further the improvement of this prominent corner". The architect explained that with the incorporation of a new exterior dining area (generally facing Fremont Boulevard), an entirely new color treatment to the building, a different fascia appearance, the reorientation of the main entrance, and new landscaping, the project would enhance the corner in the CBD. The architect worked with staff to enhance the design from the initial design submittal, as listed below:

- Redesigned the exterior waiting area to include benches and new landscaping to coordinate properly with the existing building trellis element (previously an enclosed wood lath-covered addition was proposed).
- Added a projecting entry canopy to the front entrance to emphasize the front entrance as a main entrance.
- Removed weathered and unused floodlights atop the roof.
- Revised plan to relocate existing, conspicuous downspout (now flanking the proposed front entrance on the exterior corner) to the inside corner of the building.
- Added a new pedestrian walkway directly connecting the Walnut Avenue ROW to the reoriented main entrance.
- Replace existing hardscape area leading to the main entrance from the existing parking lot with new hardscape and landscape, including new benches.
- Added a new planter on the south side of the building to screen the existing trash enclosure as viewed from Fremont Boulevard.
- Revised plans to replace all damaged parking lot surfaces and improve parking lot to meet current City standards.
- Revised plans to remove existing cyclone fence at the rear and picket fence in a center planter of the property.
- Revised plans to remove existing speed bumps in favor of a new speed table.
- Revised proposed low masonry wall from split-face to slump stone.

Staff believes the design of the project is consistent with the Central Business District; however, staff also believes that some refinements to the proposed building architecture and site design should be incorporated to further enhance the appearance of the site. Staff proposes the following recommendations:

1. The architect proposes a speed table as recommended by staff. However, details of the speed table are not provided. Staff recommends that it consist of a hard surface, i.e., scored or textured color concrete, and is appropriately designed to connect the existing restaurant building with the future (and now proposed) retail/office building (Condition 8).
2. The architect proposes a “glass canopy” which is very unique and interesting; however, the element should be designed to be compatible with the existing building. A projecting glass awning is proposed to help architecturally connect this element to the building, which staff believes will indeed help. However, at the time of the writing of this report, details of the awning were not available (Condition 9).
3. The architect proposes a new walkway directly connecting the Walnut Avenue sidewalk to the main entrance and a new hardscape waiting area. Staff recommends the new hardscape should consist of scored or textured color concrete instead of regular, plain concrete (Condition 11).

Landscaping: The landscaping and associated amenities proposed will enhance the overall appearance of the site. The applicant proposes to install two London Plane Trees within the public right-of-way to further enhance the existing street tree network in the CBD (Condition 22); preserve existing healthy trees on the site (Condition 19); and, install new trees, dispersed throughout the parking lot. A variety of shrubs and groundcover are proposed, which include: Fern Pine, Photinia, Shiny Xylosma, India Hawthorn, Southern Azalea, Star Jasmine, Ornamental Strawberry, and among others.

The applicant proposes a new walkway from the Walnut Avenue ROW to the proposed reoriented front entrance. The pedestrian pathway leading from the existing parking lot to the new front entrance will also be newly repaved. The low masonry wall proposed to enclosed the outdoor dining area is proposed to be slump stone (previously split-face was proposed).

City Landscape Architect Review of Proposed Tree Removal and Preservation: The site contains 27 mature trees as shown on the “Existing Tree Survey” by HWA Landscape Architects on September 30, 2004. A total of 4 trees are designated for removal due to their poor condition. Three of these trees have a DBH of less than 6” and there is a Walnut that is also in poor condition. The removal of these trees will have little effect on City’s urban forest due to their small size and mitigation is not required. This is consistent with the provisions of the Tree Preservation Ordinance. The remaining 23 trees are designated for preservation as indicated on the “Existing Tree Survey”. This is consistent with the provisions of the Tree Preservation Ordinance.

View Impacts: The project parcel has frontage on the Walnut Avenue. “View corridors” were established by the CBD Plan to preserve the views of the hillside from the Central Business District. The “Walnut Avenue View Corridor” as described by the CBD Plan extends from Argonaut Way to the edge of the CBD boundary. The proposed project does not propose an addition or a new building, and thus does not impact this view corridor.

ENGINEERING ANALYSIS:

Circulation/Access: Access to the site is via existing driveways on Fremont Boulevard and Walnut Avenue.

Grading & Drainage: Only minimal grading is expected to occur on site for the proposed project.

Urban Runoff Clean Water Program: The applicant will be required to conform to the City’s Urban Runoff Clean Water Program requirements. Conditions of approval are included to reflect this requirement (Condition 33).

ENVIRONMENTAL ANALYSIS: This project is categorically exempt under CEQA Section 15301(a) as exterior alterations to an existing building.

Response from Agencies and Organizations: None.

ENCLOSURES:

Exhibit "A"	(Site Plan, Elevation Plan, Floor Plan, Tree Survey, and Landscape Plan)
Exhibit "B"	(Conditions of Approval)
Exhibit "C"	(Color and Material Board)
Informational "1"	(Architect's Design Statement)
Informational "2"	(Unofficial Proposed Site Plan/Elevation Plan for Adjoining Lot)

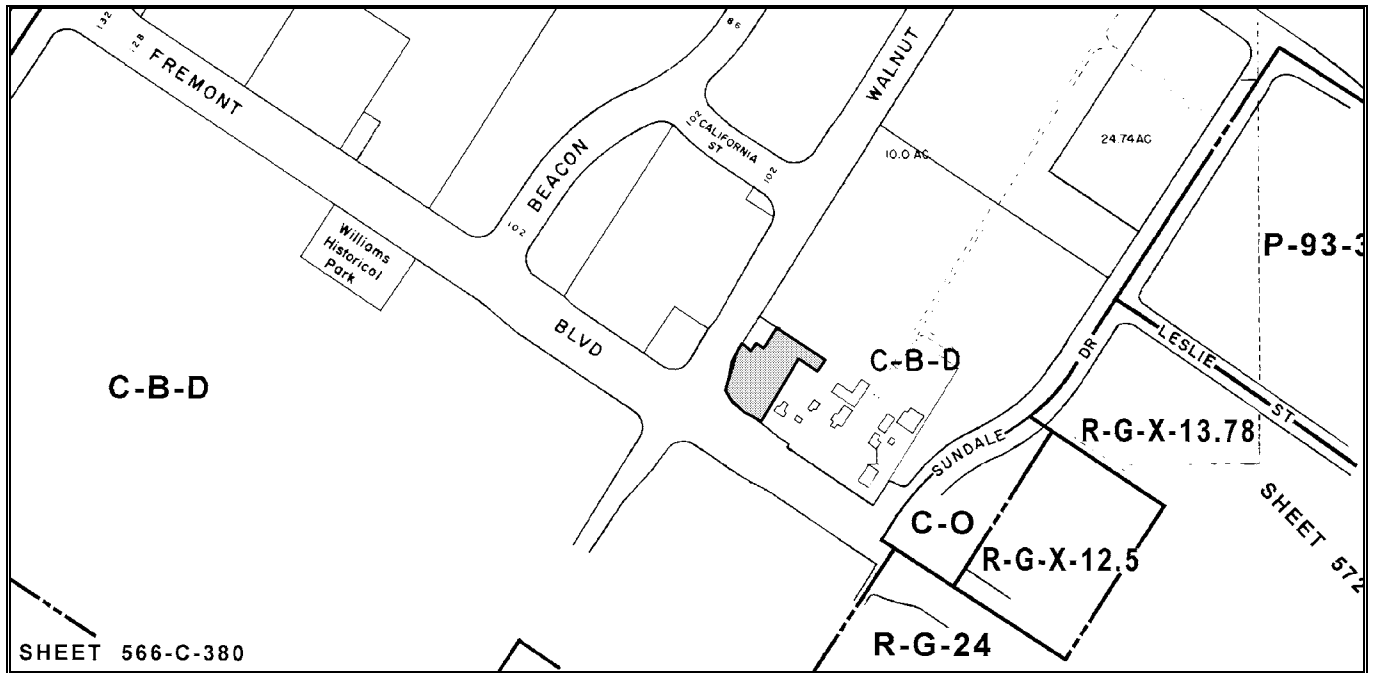
EXHIBITS:

Exhibit "A"	(Site Plan, Elevation Plan, Floor Plan, Tree Survey, and Landscape Plan)
Exhibit "B"	(Conditions of Approval)
Exhibit "C"	(Color and Material Board)

Recommended Actions:

1. Hold public hearing.
2. Find the project as proposed is categorically exempt under CEQA Section 15301(a) as it relates to the exterior alteration of an existing building.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan and the Central Business District Concept Plan as discussed in this staff report.
4. Approve PLN2004-00171, as shown on Exhibit "A" and Exhibit "C", subject to conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

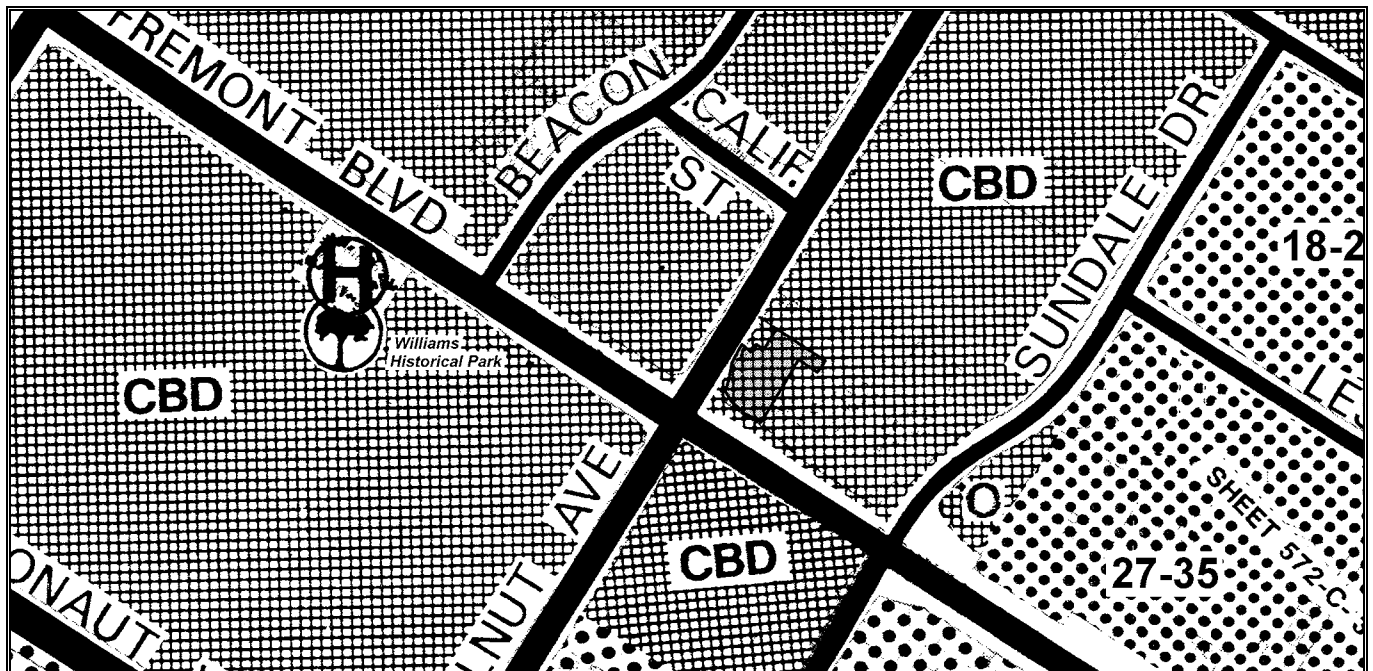


EXHIBIT "B"
PLN2004-00171
(Finding for Site Plan and Architectural Approval and Use)
China Harbor at 39410 Fremont Boulevard (APN# 501-1110-033-00)
Planning Commission Hearing on October 14, 2004

General Conditions:

General Conditions (Must be satisfied on ongoing basis)

1. Approval of PLN2004-00171 for modifications to an existing restaurant building and site improvements, including a new outdoor dining area, shall conform to Exhibit "A" (Site Plan, Architectural Elevations, Floor Plan, and Landscape Plan). The proposed plans submitted to the City's Development Organization shall substantially conform to the plans submitted for this application, except as modified herein.
2. Any minor modification to the project shall be subject to review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Director finds that such modification warrants review and approval by the Planning Commission.
3. The modifications to the building and site shall comply with all local, state, and federal fire and building code regulations.
4. The applicant shall be required to recycle all glass and plastic containers and other recyclable materials generated by the use located within the building.
5. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
6. The applicant or successor in interest shall conform to the conditions of approval herein and all other applicable ordinances of the Fremont Municipal Code.

Prior to Issuance of Building Permits, the following conditions must be satisfied:

Planning Division Requirements:

7. Applicant shall submit appropriate plans and documents to City's Development Organization for review to insure conformance with the conditions approved under these Finding conditions, and other relevant codes, policies and requirements of the Fremont Municipal Code.
8. Details of the speed table shall be provided to the City's Development Organization for review and approval. The speed table, which would also serve as a pedestrian connecting walkway, shall consist of a hard surface, i.e., scored or textured color concrete, and shall be appropriately designed to connect the existing restaurant building with the future (and now proposed) retail/office building.
9. The projecting glass awning proposed above the main entry shall be designed to architecturally connect the proposed glass canopy element to the building, subject to the City's Development Organization's review and approval.
10. The property owner(s) shall agree to and record a written guarantee in the form of a "Deferred Improvement Agreement" ("DIA"), provided by the City, for recordation with the County Recorder, subject to review and approval by the City Attorney and Planning Director. The DIA shall permit a deferral of a portion of the parking lot improvements for a period of two years, with a one-year extension option. The purpose of the DIA is to ensure

that the improvements to the parking lot as depicted by Exhibit "A" of PLN2004-00171 are completed. The authority to require the improvement under the DIA and the extent to which the adjoining parcel owner would be required to improve is under the authority of the Planning Director. The proposed landscape plan is delineated with a "limit-of-work" line to separate the deferred area from the area to be improved once a building permit is issued. This line is only intended to generally indicate the limit-of-work the applicant would be responsible at the time the building permit is issued, and is not to be construed as the City's commitment or the adjoining lot owner's commitment to complete the construction of the deferred parking lot improvements. Should the applicant fail to enter into the DIA with the City, all parking and landscape improvements on Exhibit "A" must commence at the time of building permit issuance and be completed within the duration permitted under said permit.

11. The new walkway directly connecting the Walnut Avenue sidewalk to the main entrance and a new hardscape waiting area shall consist of scored or textured color concrete instead of regular, plain concrete, subject to the City's Development Organization approval.
12. All exterior amenities shall consist of high quality materials, subject to the City's Development Organization review and approval.

Building Department Requirements:

13. All improvements to the project structure and site necessary for compliance with local, state and federal building and fire code requirements.

Fire Department Requirements:

14. The applicant shall meet all requirements in the 2001 California Fire Code and all local mandated fire code requirements adopted by City Council under Ordinance 2485.

Engineering Requirements:

15. Applicant shall provide for a functional drainage system subject to approval of the City during Development Organization review.
16. The developer shall apply for and obtain an encroachment permit for all improvements (i.e., the two London Plane trees) within the public right-of-way. The encroachment permit shall be obtained concurrently with or prior to issuance of the building permit.
17. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.

During Construction:

Landscaping Department Requirements:

18. Trees to be preserved are those called out to remain on the "Existing Tree Survey" drawing. The applicant shall work with staff during the Development Organization review to ensure that tree preservation measures are developed so as to ensure the trees health in accordance with the Tree Preservation Requirements of the Landscape Development Requirements and Policies (LDRP). This may require modifications to curbs, paving, grading and utility location.
19. All planting areas containing trees shall be free of all Utility Structures (including light standards). Clearances between utilities and trees shall conform to SD-34 City Standard Street Tree Clearances.

20. A landscape plan shall be submitted to the Development Organization, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a. An underground irrigation plan.
 - b. Weed control specifications.
 - c. A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
21. Applicant shall provide (2) 24" Box *Platanus acerifolia* street trees, one along Walnut Blvd. and the other on Fremont within City Right of Way. The planter shall be a minimum of 8' X 5' and the trees shall be planted in accordance with detail SD-34.
22. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. The current copy of the LDRP available at the Engineering Counter.
23. Planting areas within the parking lot shall have a minimum width of 6' (internal dimension) This will require modification of existing planters subject to staff approval during Development Organization review. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
- a. Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b. Medium trees (to 30 feet tall) and columnar varieties over 30 feet no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
 - c. Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.

Environmental Services Department Requirements:

24. All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
25. All recycling and waste collection areas are required to be screened from adjacent properties and public rights of way (FMC Section 8-22155). The trash enclosure must be built to screen the containers from public view and to insure the containers are on a concrete pad. Refer to the Waste Handling Requirements for enclosure construction guidelines.
26. Construction and demolition debris management: Recycling of construction and demolition debris is an important environmental concern to the City of Fremont in meeting the City's goal of 75% waste diversion by 2010 (Fremont Commercial/ Industrial Recycling Plan, adopted April 1999). This development will require the applicant to file a Project Waste Handling Plan and follow-up documentation, since it will generate debris from the removal of the existing structure and from the construction of a new building, where some demolition and construction debris can be recycled. This material may be recycled through any recycling company licensed to do business in Fremont, and recycling may cost less than disposing of the material as municipal solid waste. (See City forms included with the Fremont Waste Handling Requirements.)

Engineering Department Requirements:

27. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
28. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer. A separate plan shall be submitted for this purpose during Development Organization.
29. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
30. All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
31. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
32. All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
33. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
34. To mitigate the identified air quality impacts of grading and construction, the following standard practices will be incorporated into the project at the time of development:
 - Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
 - Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
 - Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;
 - Street sweeping shall be conducted to control dust and dirt tracked from the project site; and,
 - A person shall be designated to oversee the implementation of the dust control program.